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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

AUDREY MEDRAZO, et al.,

Plaintiffs and Appellants,

v.

HONDA OF NORTH HOLLYWOOD,

Defendant and Respondent.

B230410

(Los Angeles County
Super. Ct. No. BC354744)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:*

It is ordered that the opinion filed herein on March 27, 2012, be modified as follows:

1. On page 8, footnote 7 is to be replaced with:

HNH's counsel asserted at oral argument that there was no evidence that the hanger tag identified as an exhibit at trial was the tag for the motorcycle Medrazo bought. He is incorrect. When Denman was first shown the exhibit at trial, he stated that he did not know whether it was that specific tag, but after he compared the vehicle identification number on the tag with the vehicle identification number on the purchase contract, he confirmed that it was the hanger tag for that motorcycle. In its petition for rehearing after we filed our opinion, HNH argues that we should not have considered the contents of the hanger tag because the exhibit was never admitted into evidence. While HNH is

technically correct that the exhibit was not admitted, its argument is disingenuous. When Medrazo rested her case, she did so *subject to admission of the exhibits referred to at trial*. HNH immediately moved for judgment, before addressing the admissibility of any exhibits. HNH has not asserted that the exhibit was not admissible, and we see no grounds for objection. Indeed, as noted, it was the subject of testimony at trial.

2. On page 9, after footnote reference number 8, the following words are to be added: “and the admission of exhibits referred to at trial.”

There is no change in the judgment.

Respondent’s petition for rehearing is denied.